IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 47 OF 2005

Mr. Dilip S. Shetye,
Convict Prisoner No.538,
Presently lodged at Central
Jail Aguada-Goa. ... Petitioner

versus

1. State of Goa through
   Chief Secretary, Panaji.

2. Inspector General of Prisons,
   Collectorate, North Goa,
   Panaji.

3. Superintendent of Prisons,
   Central Jail, Aguada. ... Respondents

Mr. S. Karpe, Advocate for the Petitioner under Legal Aid Scheme.

Ms. W. Coutinho, Public Prosecutor for the Respondents.

CORAM : N. A. BRITTO, J.

DATE : 16TH FEBRUARY, 2006.

ORAL JUDGMENT

Heard Mr. S. Karpe, the learned Counsel on behalf of

the petitioner and Ms. W. Coutinho, the learned Public Prosecutor on behalf of the respondents.

2. Rule. By consent heard forthwith.

3. The petitioner filed an application dated 28-6-2005 for his release on parole on the ground that he wanted to visit his mother who was 65 years old and who was suffering from mental depression, hypertension, etc. which were due to his imprisonment. The said application has been rejected by the Inspector General of Prisons by his Order dated 10-8-2005. Before rejecting the said application, the Inspector General of Prisons had called for a Police Report and the Police Report indicated that although the said mother of the petitioner was taking treatment from Primary Health Centre, Casarvanem for ashtama and blood pressure her physical condition was good and she was capable of doing her own personal work. The Inspector General of Prisons has rejected the petitioner's application by keeping in mind the said report. It can be seen that the petitioner's mother suffers, if at all, from common ailments like ashtama and blood pressure which certainly cannot prevent her

from visiting the prisoner in prison if in case she desires to do so. There is nothing serious about the said common ailments. The impugned Order cannot be faulted. In case, the petitioner is entitled to be released on parole on some other ground, the petitioner is always at liberty to apply for the same and if applied, the Inspector General of Prisons is certainly bound to consider the same on its own merits.

4. In view of the above, there is no merit in this petition. The same is dismissed. Rule discharged.

N. A. BRITTO, J.

RD